IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 11766 of 1994

Between:

Smt.K.L.Suhasini Devi, C/o. K.S.Laban.
Jawaharlal Nehru Technological University, College of Fine Arts,
Mahaveer Marg, Hyderabad.

..... PETITIONER

AND

1.The Registrar, Jawaharlal Nehru Technological University, Mahaveer Marg, Hyderabad.
2.The Vice-Chancellor, Jawaharlal Nehru Technological University, A.P., Hyderabad.
3.The Executive Council, Jawaharlal Nehru Technological University, A.P., Hyderabad.
4.Dr. Vijay Kumar, Director, Academic & Planning and Enquiry Officer, J.N.T.U., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction preferably in the nature of writ of Certiorari and after calling for the records pertaining to proc.No.C1/9285/81-94 dated 13-04-1994 issued by the 1st respondent and quash the same as illegal, arbitrary, wholly without jurisdiction and unconstitutional.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents.1 to 3: MR.C.KODANDA RAM.

Counsel for the Respondent No.4: None appeared.

The Court made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.11766 OF 1994

ORAL ORDER:

Heard both sides.

2. The proceedings No.C1/9285/81-94, dated 13-04-1994, of the first respondent, wherein and whereby the petitioner was awarded a punishment of stoppage of 2 increments with cumulative effect, are under challenge in the present writ petition.

3. The facts in short are that certain charges were levelled against the petitioner, details of which are not very relevant. The formalities like framing of charges, calling for explanation and offering of explanation by the petitioner have been completed and an enquiry was also conducted by the Enquiry Officer, appointed by the respondents-University and the Enquiry Officer eventually arrived at a conclusion that the petitioner was guilty of the charges levelled against her.

4. Several grounds have been taken by the petitioner in the present writ petition and all those grounds are not necessary to be adverted

to.

4. Further, when the Enquiry Officer duly appointed by the competent authority found the petitioner guilty of the charges and the said view was accepted by the appointing authority/competent authority, this Court in exercising of its extraordinary jurisdiction under Article 226 of the Constitution of India cannot reappraise the entire evidence, both oral and documentary, available on record, and arrive at a different conclusion nor is it proper for this Court to dredge the whole procedure and the merits of the case. The said exercise had already been done by the Enquiry Officer and the competent authority.

5. Further, it is brought to the notice of this Court by the learned Standing Counsel appearing on behalf of the respondents-University that an alternative efficacious remedy of appeal is provided under the Jawaharlal Nehru Technological University Act, 1972 (Act No.16 of 1972) (for brevity “the Act”), which is not in dispute.

6. Admittedly, the petitioner without availing the said efficacious alternative remedy of appeal has approached this Court by way of filing the present writ petition.

7. As could be seen from the said Act, the appellate authority can exercise its jurisdiction with all its wisdom and may even modify or set aside the impugned order also basing on the present facts and circumstances. The facts and circumstances prevailing as on today with reference to the age and service rendered by the petitioner may, in all probability, be taken into consideration by the appellate authority.

8. Therefore, for the foregoing reasons, the petitioner is given liberty

to approach the appellate authority by way of filing an appeal within a period of eight weeks from today and upon such appeal being filed, the appellate authority shall consider the same, as indicated above, and pass appropriate orders, in accordance with law.

9. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

D.S.R.VARMA, J

05TH NOVEMBER 2004

KRK

To:

1.The Registrar, Jawaharlal Nehru Technological University, Mahaveer Marg, Hyderabad.
2.The Vice-Chancellor, Jawaharlal Nehru Technological University, A.P., Hyderabad.
3.The Executive Council, Jawaharlal Nehru Technological University, A.P.,

Hyderabad.
4.Dr. Vijay Kumar, Director, Academic & Planning and Enquiry Officer, J.N.T.U., Hyderabad.

5.Two CD copies.